

No. 2871

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United States  
Circuit Court of Appeals

For the Ninth Circuit.

WOO HOO, on Behalf of WOO DAN,  
Appellant,  
vs.

EDWARD WHITE, as Commissioner of Immigration at  
the Port of San Francisco,  
Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for  
the Southern Division of the Northern  
District of California,  
First Division.

Filed

NOV 13 1916

R. D. Monckton,  
Clerk.



No. 2871

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Circuit Court of Appeals

For the Ninth Circuit.

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# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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*In the Southern Division of the District Court of the  
United States, for the Northern District of Cali-  
fornia, First Division.*

No. 16,026.

In the Matter of WOO DAN, on Habeas Corpus.

**Names and Addresses of Attorneys.**

ALBERT C. AIKEN, Esq., San Francisco, At-  
torney for Petitioner.

UNITED STATES ATTORNEY, San Fran-  
cisco, Attorney for Respondent.

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UNITED STATES OF AMERICA.

*District Court of the United States, Northern Dis-  
trict of California.*

Clerk's Office.

No. 16,026.

In the Matter of the Application of WOO HOO for a  
Writ of Habeas Corpus on Behalf of WOO  
DAN.

**Praecipe for Transcript of Record.**

To the Clerk of Said Court:

Sir: Please issue for use on appeal to the Circuit  
Court of Appeals for this District copies of the fol-  
lowing papers, filed herein, with their indorsements:

1. Petition for Writ of Habeas Corpus.
2. Demurrer to Petition for Writ of Habeas Cor-  
pus.
3. Order Sustaining Demurrer, and Denying Mo-  
tion for Writ of Habeas Corpus.

4. Substitution of Attorneys.
5. Petition for Appeal.
6. Assignment of Errors.
7. Order Allowing Appeal.
8. Notice of Appeal.

ALBERT C. AIKEN,  
Attorney for Petitioner and Appellant.

[Endorsed]: Filed Sep. 16, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [1\*]

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*In the District Court of the United States, in and for  
the Northern District of California, First Divi-  
sion.*

In the Matter of the Application of WOO HOO for a  
Writ of Habeas Corpus for and on behalf of  
WOO DAN.

**Petition for a Writ of Habeas Corpus.**

To the Honorable M. T. DOOLING, Judge of the  
District Court, in and for the Northern District  
of California.

Petitioner respectfully shows:

I.

That your petitioner Woo Hoo is of Chinese de-  
scendant and is a regularly domiciled resident and mer-  
chant and was a merchant engaged exclusively in  
buying and selling merchandise at a fixed place of  
business in the City and County of San Francisco,  
State of California, continually for more than one  
year prior to the application of the said Woo Dan  
to enter the United States hereinafter set forth and

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\*Page-number appearing at foot of page of original certified Tran-  
script of Record.



during which time he did not engage in the performance of any manual labor except as such that was necessary in the conduct of his business as such merchant.

## II.

That the said Woo Dan the detained person on whose behalf this petition is made is the minor son of your petitioner and is under the age of 21 and over the age of 18.

## III.

That the said Woo Dan is unlawfully imprisoned, detained, confined and restrained of his liberty by Edward White, Commissioner of Immigration at the Port of San Francisco, at the Immigration Station of the United States at Angel Island or at [2] some other place in the northern district of California, and is about to be deported from the United States to China.

## IV.

That the illegality of such imprisonment, restraint, detention and confinement consists in this, to wit:

That the said Woo Dan made application to be admitted to the United States at the Port of San Francisco, as a minor son of your petitioner; that subsequently to said application to be so admitted to the United States and at all times, the said Woo Dan was refused and denied a fair hearing in good faith by the Secretary of Labor of the United States, and by the Commissioner of Immigration at the Port of San Francisco, and was, by a manifest abuse of the discretion committed to them by law and through errors and mistakes of law, and against the spirit

and letter of the law, denied by said Secretary and said Commissioner, the right to enter the United States; and in that respect your petitioner alleges:

1. That the said Woo Dan during the month of December 1915, arrived on the steamer "Chiyo Maru" at the Port of San Francisco from China and made application to the Commissioner of Immigration at the Port of San Francisco, for admission to the United States as the minor son of your petitioner.

That thereafter a hearing was conducted by the Immigration authorities at the Port of San Francisco touching upon the right of the said Woo Dan to enter the United States as the minor son of a merchant, to wit, as the minor son of your petitioner; that at such hearing testimony and documentary evidence was submitted in support of said application and that such testimony and documentary evidence clearly and conclusively showed and established that this petitioner was and had been [3] for more than one year prior thereto a regularly domiciled resident and merchant engaged in buying and selling merchandise at a fixed place of business in the City and County of San Francisco, State of California, and that he had not engaged in the performance of any manual labor except as such that was necessary in the conduct of his business as such merchant; that said testimony and documentary evidence clearly and conclusively showed and established that the said Woo Dan was the minor son of your petitioner; that no evidence was introduced, produced or considered by said Immigration authorities rebutting or denying or tending to rebut or deny the testimony

and evidence produced in support of said application as above set forth.

That petitioner is informed and believes and therefore alleges that it was and is admitted and conceded by said Commissioner and the said secretary that the petitioner Woo Hoo is a merchant, regularly domiciled and doing business at a fixed place of business in the United States as herein before set forth; that after the conclusion of the said hearing said Commissioner of Immigration at the Port of San Francisco, refused and denied the said Woo Dan the right to enter the United States but on the contrary ordered that he be deported from San Francisco to China without having any evidence whatever on which to base said refusal and said order, but on the contrary that said refusal and order was made after the said Woo Dan showed by uncontradicted and convincing evidence that he was the minor son of a merchant, regularly and lawfully domiciled and doing business as such merchant in the United States to wit, as the minor son of your petitioner.

2. That the said Woo Dan at the time of said application for admission to the United States was and he claimed to be [4] over the age of 18 years, and under the age of 21 years, and was before coming to the United States not wholly dependent upon his said father.

That petitioner is informed and believes and upon such information and belief alleges that the said Commissioner upon a claim and finding that the said Woo Dan was over the age of 18 years and under the age of 20 years and was not wholly dependent upon



his said father, erroneously concluded as a matter of law that the said Woo Dan was not entitled to enter the United States and upon such conclusion and upon no other ground the said Commissioner thereupon made his decision and order excluding the said Woo Dan from the United States.

3. That thereafter an appeal was taken on behalf of the said Woo Dan from said decision and order of exclusion of said Commissioner to the Secretary of Labor.

That thereafter said Secretary dismissed said appeal and approved said decision and order of exclusion so made by the Commissioner as aforesaid.

#### V.

That all orders, decisions or judgments made or rendered by said secretary or by any of the officials of the Department of Labor acting by the authority of said secretary pertaining to the application of the said Woo Dan to enter the United States and the denial thereof, are in possession of and under the sole control of said secretary and are, as petitioner is informed and believes, in Washington, D. C., at the present time; that the record of the testimony and evidence submitted to and considered by the said Commissioner and the said secretary concerning said application is in the possession of and under the sole control of the said Commissioner and the said secretary and petitioner at this time is unable to secure [5] a copy of such orders, decisions, or judgments or any part thereof, or to attach a copy thereof to this petition, and petitioner at this time is unable to secure a copy of the record of the said testimony and

evidence hereinabove referred to or any part thereof or to attach a copy thereof to this petition at this time, but petitioner hereby makes special reference herein to such orders, decisions and judgments and said evidence and testimony and asks leave of this Honorable Court to so amend this petition so as to contain such copies of said orders, decisions, and judgments and said evidence and testimony in the event he should during the pendency of these proceedings, secure such copy.

## VI.

That the said Woo Dan has exhausted all his rights and remedies and has no further remedy before the Department of Labor and unless the Writ of Habeas Corpus issue out of the court as prayed for herein directed to Edward White, Commissioner of Immigration as aforesaid, in whose custody the body of the said Woo Dan now is, the said Woo Dan will be forthwith deported from the United States to China without due process of law.

WHEREFORE your petitioner prays that a Writ of Habeas Corpus be issued by this Honorable Court directed to and commanding the said Edward White, Commissioner of Immigration at the Port of San Francisco, to have and produce the body of the said Woo Dan before this Honorable Court at its courtroom in the City and County of San Francisco, Northern District of California, at the opening of court on a day certain in order that the alleged cause of imprisonment, detention, confinement and restraint of the said Woo Dan and the legality [6] or illegality thereof may be inquired into and in or-

der that, if the said imprisonment, detention, confinement and restraint are unlawful and illegal, the said Woo Dan be discharged from all custody and restraint.

Dated this 15th day of May, 1916.

CATLIN, CATLIN & FRIEDMAN,  
Attorneys for Petitioner.

United States of America,  
Northern District of California,—ss.

Woo Hoo, being duly sworn, deposes and says: That he is the petitioner named in the foregoing petition; that he has heard read the said petition and understands the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief and as to those matters he believes it to be true.

WOO HOO.

Subscribed and sworn to before me this 15th day of May, 1916.

[Seal] P. J. HASKINS,  
Notary Public in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed May 16, 1916, W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [7]



*In the District Court of the United States, in and for  
the Northern District of California, First Division.*

No. 16,026.

In the Matter of WOO DAN, on Habeas Corpus,  
**Demurrer to Petition for Writ of Habeas Corpus.**

Now comes the respondent, Edward White, Commissioner of Immigration at the Port of San Francisco, in the Northern District of the State of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon.

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JNO. W. PRESTON,

United States Attorney.

CASPER A. ORNBAUN,

Asst. United States Atty.,

Attorneys for Respondent.

[Endorsed]: Filed June 3, 1916. W. B. Maling,  
Clerk. By J. A. Schaertzer, Deputy Clerk. [8]

*In the District Court of the United States, in and for  
the Northern District of California, First Divi-  
sion.*

No. 16,026.

In the Matter of WOO DAN, on Habeas Corpus.

**Order Sustaining Demurrer to and Denying  
Petition for a Writ of Habeas Corpus.**

CATLIN, CATLIN & FRIEDMAN, Attorneys  
for Petitioner.

JOHN W. PRESTON, Esq., United States At-  
torney, and CASPER A. ORNBAUN, Esq.,  
Assistant United States Attorney, Attor-  
neys for Respondent.

**ON DEMURRER TO PETITION FOR A WRIT  
OF HABEAS CORPUS.**

The demurrer to the petition for a writ of habeas  
corpus herein is sustained, and the said petition de-  
nied.

June 29th, 1916.

M. T. DOOLING,  
Judge.

[Endoresd]: Filed Jun. 29, 1916. W. B. Maling,  
Clerk. By Lyle S. Morris, Deputy Clerk. [9]

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*In the District Court of the United States, Northern  
District of California.*

In the Matter of the Application of WOO HOO for a  
Writ of Habeas Corpus on Behalf of WOO  
DAN.

**Substitution of Attorneys.**

Albert C. Aiken, Esq., is hereby substituted as attorney for Petitioner herein.

Dated July 7th, 1916.

WOO HOO,  
Petitioner.

We hereby agree to the above substitution.

Dated July 7th, 1916.

CATLIN, CATLIN & FRIEDMAN.

I hereby accept the above substitution, as attorney for Petitioner.

Dated July 7th, 1916.

ALBERT C. AIKEN.

Service of the within sub. of Attys. by copy admitted this 7 day of July, 1916.

JOHN W. PRESTON,  
Attorney for Respondent.  
C.G.H.,

[Endorsed]: Filed Jul. 7, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [10]

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*In the District Court of the United States, Northern District of California.*

In the Matter of the Application of WOO HOO for a Writ of Habeas Corpus for and on Behalf of WOO DAN.

**Petition for Appeal.**

To Hon. Judge of the District Court of the United States, Northern District of California.

WOO HOO, the petitioner herein, feeling ag-

grieved by the order of judgment of this court, made and entered herein on June 29, 1916, denying the petition for a writ of habeas corpus herein, in which said order certain errors were made to the prejudice of this appellant, all of which will more fully appear from the assignment of errors filed herewith; does hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit, from said order and judgment and from each and every part thereof.

And appellant prays that his appeal be granted to the said United States Circuit Court of Appeals, for the correction of the errors so complained of; and further that a transcript of the record, proceedings and papers in the above-entitled cause upon which said order and judgment was made, as shown by the praecipe, duly authenticated may be sent to the United States Circuit Court of Appeals for the Ninth Circuit.

And petitioner further prays that the custody of the said Woo Dan be not disturbed, and that he be not taken from the jurisdiction of said court during the pendency of this appeal unless by order of this court or the said court of Appeals.

Dated, San Francisco, July 7th, 1916.

ALBERT C. AIKEN,

Attorney for Petitioner and Appellant. [11]

Receipt of copy of within Petition is hereby acknowledged this 7th day of July, 1916.

JOHN W. PRESTON,

U. S. Attorney.  
C.G.H.



[Endorsed]: Filed Jul. 7, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [12]

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*In the District Court of the United States, Northern  
District of California.*

In the Matter of the Application of WOO HOO for a  
Writ of Habeas Corpus for and on Behalf of  
WOO DAN.

**Assignment of Errors.**

Now comes Woo Hoo, the petitioner and appellant herein, and by his attorney, Albert C. Aiken, Esq., his attorney, and in connection with his Petition for the Allowance of an appeal herein, hereby assigns the following errors, which, he says, occurred upon the hearing accorded Petitioner in the above-entitled cause on demurrer, and upon which he will rely on his appeal to the United States Circuit Court of Appeals, to wit:

1. That the Court erred in sustaining the demurrer to the Petition.
2. That the Court erred in denying the Petition.
3. That the Court erred in refusing to issue the writ of habeas corpus.
4. That the Court erred in sustaining the demurrer to the Petition and in refusing to issue the said writ as prayed for, inasmuch as it appears on the face of said Petition that the said Woo Dan did not have a fair and unprejudiced hearing; that he is detained, confined and restrained of his liberty by the Commissioner of Immigration at the Port of San Francisco, and is about to be deported to

China by the Secretary of Labor, through a manifest abuse of discretion, and through mistake of law on the part of said officials, all contrary to the spirit and letter of the law, and without due process of law, and without first having accorded him a fair hearing in good faith as is given by law. [13]

5. That said District Court erred in refusing to take jurisdiction, and to issue the said writ of habeas corpus, inasmuch as the Petition praying for said writ states facts sufficient to justify its issuance, and a further hearing upon the return of the said writ.

WHEREFORE petitioner and appellant prays that the said judgment and order of the said District Court, entered on June 29, A. D. 1916, sustaining the demurrer to the said Petition and denying the application for the issuance of a writ of habeas corpus on behalf of said Woo Dan, be reversed, and that this case be remitted to the lower court with instruction to issue the said writ as prayed for, and to discharge the said Woo Dan from custody, and to grant him a trial upon the said writ.

ALBERT C. AIKEN,

Attorney for Petitioner and Appellant.

Service of the within Asst. of Errors by copy admitted this 7 day of July, 1916.

JOHN W. PRESTON,

Attorney for Respondent.

C. G. H.

[Endorsed]: Filed Jul. 7, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [14]



*In the District Court of the United States, Northern  
District of California.*

In the Matter of the Application of WOO HOO for  
a Writ of Habeas Corpus for and on Behalf  
of WOO DAN.

**Order Allowing Appeal.**

On this 7th day of July, A. D. 1916, came Woo Hoo, Petitioner and by his attorney Albert C. Aiken, Esq., and presented his Petition praying for allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, to be prosecuted on his behalf, and praying that a transcript of the record upon which the judgment herein was rendered, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals, and that such further proceedings may be had in the premises as may be proper, and having presented to the Court at the same time, an assignment of errors, and having moved the Court for an order allowing said appeal, and staying proceedings during the pendency of said appeal:

IT IS HEREBY ORDERED that said appeal be and it is hereby allowed, and that a certified transcript of the record and all proceedings herein, as requested by the praecipe, be properly prepared and transmitted by the clerk to the United States Circuit Court of Appeals for the Ninth Circuit in the time prescribed by law.

And it is further ordered that the custody of the said Woo Dan be not changed, and that he be not

removed from the jurisdiction of this Court or of the said Ninth Circuit, unless by order of this court or of the said United States Circuit Court of Appeals.

Done in open court this 7th day of July, 1916.

WM. W. MORROW,  
Judge. [15]

[Endorsed]: Filed Jul. 7, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [16]

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*In the District Court of the United States, Northern  
District of California.*

In the Matter of the Application of WOO HOO for  
a Writ of Habeas Corpus for and in Behalf of  
WOO DAN.

**Notice of Appeal.**

To the Clerk of the Above Court, and to Hon. JOHN  
W. PRESTON, United States Attorney for the  
Northern District of California.

You and each of you will please take notice that  
Woo Hoo, the Petitioner herein, does hereby appeal  
to the United States Circuit Court of Appeals in and  
for the Ninth Judicial Circuit, from the order and  
judgment entered herein on June 29th, 1916, deny-  
ing the application of Petitioner for a writ of habeas  
corpus for and on behalf of said Woo Dan, and sus-  
taining the demurrer to the Petition herein filed by  
said Woo Hoo, praying for the issuance of the said  
writ.

Dated July 7th, 1916.

ALBERT C. AIKEN,  
Attorney for Said Petitioner.

Service of the within Notice of Appeal by copy admitted this 7 day of July, 1916.

JOHN W. PRESTON,  
Attorney for Respondent.  
C. G. H.

[Endorsed]: Filed Jul. 7, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [17]

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*In the District Court of the United States, in and for  
the Northern District of California.*

In re WOO DAN, on Habeas Corpus.

**Bond on Appeal from Order Sustaining Demurrer  
to the Petition of Woo Hoo.**

KNOW ALL MEN BY THESE PRESENTS:  
That we, Woo Hoo, as principal, and National Surety Company, a corporation, organized and existing under the laws of the State of New York as surety, are jointly and severally held and firmly bound unto the United States of America in the sum of Five Hundred Dollars, lawful money of the United States, to be paid to the said United States of America, for which payment well and truly to be made we bind ourselves, our and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our hands and seals, and dated the 28th day of October, in the year of our Lord one thousand nine hundred and sixteen.

The condition of the above obligation is such, that, whereas said Woo Hoo has taken an appeal to the Circuit Court of Appeals to reverse an order sustain-



ing the demurrer to the Petition for the issuance of a writ of habeas corpus herein, directed to Hon. Edward White, Commissioner of Immigration, looking to the production in court of the said Woo Dan, and from the order dissolving the order to show cause issued upon the said Petition, which said orders were rendered and entered by the said District Court of the United States, for the Northern District of California, [18] in the above-entitled proceeding on the 29th day of June, 1916.

Now, therefore, the condition of the above obligation is such, that, if the above-named Woo Hoo, Petitioner herein, shall prosecute said appeal to effect, and answer all damages and costs, if he shall fail to make good his plea, then this obligation shall be void, otherwise to remain in full force and effect.

Dated San Francisco, Cal., October 28th, 1916.

WOO HOO. (Chinese Characters)

NATIONAL SURETY COMPANY,

[Seal]

By FRANK L. GILBERT,

Its Attorney in Fact.

State of California,

City and County of San Francisco,—ss.

On this 28th day of October in the year one thousand nine hundred and sixteen, before me, M. A. Brusie, a notary public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Frank L. Gilbert known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of the National Surety Company, the corporation described in the

within instrument, and also known to me to be the person who executed it on behalf of the corporation therein named, and the said Frank L. Gilbert acknowledged to me that he subscribed the name of the National Surety Company thereto as principal and his own name as Attorney in Fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the City and County of San Francisco, State of California, the day and year in this certificate first above written.

[Seal]

M. A. BRUSIE,

Notary Public in and for the City and County of San Francisco, State of California.

My commission expires Sept. 24, 1918.

Approved as to form this 28th day of Oct., 1916.

CASPER A. ORNBAUN,

Assistant U. S. Atty.

Approved Oct. 28th, 1916.

M. T. DOOLING,

Judge.

[Endorsed]: Filed Oct. 28, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [19]

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*In the District Court of the United States, in and for the Northern District of California.*

In the Matter of WOO DAN, on Habeas Corpus.

**Stipulation and Order Waiving Printing Documentary Evidence and That Same be Transmitted in Original Form.**

It is hereby stipulated that the documentary evi-

dence considered by the Court on the hearing of the Demurrer to the Petition for Issuance of Writ of Habeas Corpus, and on the hearing of the Order to Show Cause herein, may be transmitted to the Court of Appeals in the matter of the appeal from the orders sustaining the said demurrer and dissolving the said order to show cause in the form as the same is filed herein, and the printing of the same is hereby waived.

Dated October 28, 1916.

JNO. W. PRESTON,  
U. S. District Attorney.  
CASPER A. ORNBAUN,  
Assistant U. S. Atty.  
ALBERT C. AIKEN,  
Attorney for Petitioner.

It is hereby ordered that the original documents filed herein as exhibits or evidence on the hearing on demurrer and order to show cause, be transmitted to the Court of Appeals in their form as filed, and without printing the same.

Dated October 28th, 1916.

M. T. DOOLING,  
Judge.

[Endorsed]: Filed Oct. 28, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [20]



*In the District Court of the United States, in and  
for the Northern District of the State of Cali-  
fornia, Southern Division, Div. No. 1.*

No. 16,026.

In the Matter of WOO DAN, on Habeas Corpus.

**Order Extending Time to Docket Case.**

Good cause appearing therefor, and upon motion of Albert C. Aiken, Esquire, Attorney for the petitioner and appellant herein, it is hereby ordered that the time within which the above-entitled case may be docketed in the office of the clerk of the United States Circuit Court of Appeals, may be and the same is hereby extended for the period of fifteen days from and after the date hereof.

Dated this 16th day of October, A. D. 1916.

M. T. DOOLING,

United States District Judge now Presiding in the  
Above-entitled Court.

The foregoing extension is hereby consented to.

JOHN W. PRESTON,

United States Attorney.

C. G. H.

[Endorsed]: Filed Oct. 16, 1916. W. B. Maling,  
Clerk. By C. W. Calbreath, Deputy Clerk. [21]

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**Certificate of Clerk U. S. District Court as to  
Transcript on Appeal.**

I, Walter B. Maling, Clerk of the District Court  
of the United States of America, for the Northern

District of California, do hereby certify that the foregoing 21 pages, numbered from 1 to 21, inclusive, contain a full, true and correct Transcript of certain records and proceedings, in the matter of Woo Dan, on Habeas Corpus, No. 16,026, as the same now remain on file and of record in the office of the clerk of said District Court; said transcript having been prepared pursuant to and in accordance with the "Praecipe" (copy of which is embodied herein), and the instructions of the attorney for petitioner and appellant herein.

I further certify that the cost for preparing and certifying the foregoing Transcript on Appeal is the sum of Ten Dollars and Twenty Cents (\$10.20), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the Original Citation on Appeal, issued herein (page 23).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 31st day of October, A. D. 1916.

[Seal]

WALTER B. MALING,

Clerk.

By T. L. Baldwin,

Deputy Clerk. [22]

**Citation on Appeal—Original.**

UNITED STATES OF AMERICA,—ss.

The President of the United States, to EDWARD WHITE, Commissioner of Immigration, and to JOHN W. PRESTON, Esq., U. S. Attorney, His Attorney, Greeting:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, wherein Woo Hoo, on behalf of Woo Dan, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable M. T. DOOLING, United States District Judge for the Northern District of California, this 16th day of September, A. D. 1916.

M. T. DOOLING,  
United States District Judge.

[Endorsed]: No. 16,026. United States District Court, for the Northern District of California. In the Matter of Application of Woo Hoo, for Writ of H. C., on Behalf of Woo Dan. Citation on Appeal.

Filed Sep. 16, 1916. W. B. Maling, Clerk. By  
C. W. Calbreath, Deputy Clerk.

Service of the within Citation by copy admitted  
this 16 day of Sept., 1916.

JOHN W. PRESTON,  
Attorney for Appellee.

C.G.H.

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[Endorsed]: No. 2871. United States Circuit  
Court of Appeals for the Ninth Circuit. Woo Hoo,  
on Behalf of Woo Dan, Appellant, vs. Edward  
White, as Commissioner of Immigration at the Port  
of San Francisco, Appellee. Transcript of Record.  
Upon Appeal from the United States District Court  
for the Southern Division of the Northern District  
of California, First Division.

Filed October 31, 1916.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals,  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.